

Docket No.: 06727/100J782-US4
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tamir Ben-David et al.

Application No.: 10/719,659

Confirmation No.: 2380

Filed: November 20, 2003

Art Unit: 3766

For: SELECTIVE NERVE FIBER STIMULATION
FOR TREATING HEART CONDITIONS

Examiner: M. Bockelman

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant hereby respectfully **traverses** the restriction requirement set forth in the Office Action dated January 29, 2007.

The Applicant thanks Examiner Bockelman for the courtesy of a telephonic interview with the Applicant's representative, Sanford T. Colb (Reg. No. 26,856), held on February 28, 2007. During the interview, Mr. Colb respectfully suggested that the restriction requirement should be withdrawn. All of the newly independent claims in the present application were previously presented as dependent claims. All of these dependent claims were examined and found to be allowable in the office action dated July 6, 2006, if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These newly independent claims are identical to the allowable dependent claims, other than the addition of the limitations of the base claim and any intervening claims. Thus no further examination of any of the claims in the present application is necessary.

During the interview, the Examiner indicated that he would favorably consider a traversal of the restriction requirement, if submitted in a written response.

Dependent claims 81-118 were previously added in the Applicant's response filed October 2, 2006. These claims respectively recite all of the features of one or more dependent claims as originally filed, as shown in the following table. Because these dependent claims are of narrower scope than the allowable claims from which they depend, these claims are in a condition for allowance, and require no further examination.

Dependent claim	Depends from claim (all found allowable)	Features of claim(s)
81	3	34 and 35
82	7	2
83	7	4
84	8	2
85	8	4
86	10	31
87	11	2
88	15	2
89	15	34 and 35
90	21	2
91	21	4
92	21	31
93	21	34 and 35
94	32	2
95	32	34 and 35
96	36	31

97	47	42
98	47	44
99	48	42
100	48	44
101	55	42
102	55	74 and 75
103	61	42
104	61	44
105	61	71
106	61	74 and 75
107	72	42
108	72	74 and 75
109	78	42
110	78	44
111	78	71
112	78	74 and 75
113	78	51
114	79	42
115	79	44
116	79	51
117	79	71
116	79	74 and 75

The Applicant further submits that examination of all of the pending claims in the present application can be made without serious burden. As mentioned above, the Examiner indicated that the claims recite allowable subject matter, so no further search is necessary.

In order to be fully responsive to the restriction requirement, the Applicant hereby provisionally elects Group I (claims 1-8, 10-36, 38-40, and 81-96), drawn to a stimulator, with traverse for continued examination in this application. The right to file a divisional application to the non-elected claims is hereby expressly reserved.

The Applicant respectfully submits that all of the claims in the present application are now in order for allowance. Notice to this effect is respectfully requested.

Dated: March 6, 2007

Respectfully submitted,

By,

S. Peter Ludwig

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